

the Carriers could fulfill their payment obligations." Specifically, the Japanese lines urged that the Commission require that the carriers establish escrow accounts and pay the fees into these accounts, rather than paying them directly to the Commission. The carriers further requested that the Commission take any other steps to "accomplish the objectives of this request." As the relief sought by the Japanese lines would involve changing the payment procedures set forth in the final rule, the Commission has determined to treat the letter as a petition for amendment of the final rule, which would have been the appropriate pleading in this instance. Copies of the request were served on other participants in this proceeding; no comments or responses were received from any party.

In their request for alternative payment arrangements, the Japanese carriers have failed to cite any material improvements or reforms in the unfavorable Japanese port conditions that are the subject of this proceeding. Indeed, the Commission is unaware of any such progress since it last suspended the final rule in April. Accordingly, we find no basis for altering the collection procedures set forth in the final rule to postpone or redirect the payment of the fees. The Commission appreciates concerns raised by the Japanese lines regarding the complexity of the matters at issue; however, the Government of Japan has had ample opportunity to develop and implement necessary improvements. It has not, to date, done so.

The Japanese carriers' request for alternative payment arrangements is denied.

By the Commission.

Joseph C. Polking,

Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961107312-7021-02; I.D. 101497A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Vessels in the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific cod by trawl catcher vessels in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the total allowable catch (TAC) of Pacific cod in that area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 15, 1997, until 2400 hrs, A.l.t., December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with §§ 679.20 (a)(7)(i)(B), the portion of the Pacific cod TAC allocated to trawl catcher vessels in the BSAI was established as 63,450 metric tons (mt) by the Final 1997 Harvest Specifications for Groundfish (62 FR 7168, February 18, 1997). The trawl catcher vessel portion was

increased by a reallocation of the projected unused amount of the trawl catcher/processor allocation to 65,450 mt (62 FR 51609, October 2, 1997). The Administrator, Alaska Region, NMFS (Regional Administrator), has established a directed fishing allowance of 64,450 mt, and set aside the remaining 1,000 mt as bycatch to support other anticipated groundfish fisheries. The fishery for Pacific cod by trawl catcher vessels in the BSAI was closed to directed fishing under §§ 679.20(d)(1)(iii) on April 29, 1997, (62 FR 24508, May 2, 1997).

NMFS has determined that as of September 29, 1997, 2,432 mt remain in the directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by trawl catcher vessels in the BSAI.

Classification

All other closures remain in full force and effect. This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to allow full utilization of the Pacific cod TAC. Providing prior notice and opportunity for public comment for this action is impracticable and contrary to the public interest. Further delay would only disrupt the FMP objective of providing a portion of the Pacific cod TAC for trawl catcher vessels in the BSAI. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by §§ 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 14, 1997.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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